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Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC
and H. Ty Warner*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SELENA STALEY, VIVIAN HOLMES, and OLIVE :
IVEY, on behalf of themselves and all others similarly :
situated, :
: Case No.: 22-CV-6781 (JSR)
Plaintiffs, :
: v. :
FOUR SEASONS HOTELS AND RESORTS, :
HOTEL 57 SERVICES, LLC, HOTEL 57, LLC, TY :
WARNER HOTELS & RESORTS, LLC, and H. TY :
WARNER, :
Defendants. :
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**DECLARATION OF
KATHRYN T. LUNDY**

I, Kathryn T. Lundy, pursuant to 28 U.S.C. § 1746, state and declare as follows:

1. I am a Partner at Freeborn & Peters LLP, attorneys for Defendants Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC, and H. Ty Warner (collectively, the “Warner Defendants”) and am fully familiar with the facts and circumstances surrounding this action and the matters stated in this Declaration.

2. I respectfully submit this declaration in support of the Warner Defendants’ motion for an Order: (1) compelling Plaintiffs Selena Staley, Vivian Holmes and Olive Ivey (collectively, “Plaintiffs”) to arbitrate their claims alleged in the Complaint against the Warner Defendants; (2) dismissing the class claims alleged in the Complaint; (3) staying this action

pending the outcome of arbitration; and (4) for such other and further relief as the Court deems just and proper.

3. A true and correct copy of the Complaint in the above-captioned action, dated August 9, 2022 is annexed hereto as Exhibit A.

4. Before filing this motion, counsel for the Warner Defendants asked Plaintiffs to withdraw the instant action in favor of binding mediation/arbitration, as required by the EmPact Agreement. Plaintiffs refused that request, thereby requiring the Warner Defendants to proceed with the instant Motion.

5. For the reasons set forth in the accompanying Memorandum of Law, the Declaration of Cathy Hwang, dated November 15, 2022 and the exhibits annexed thereto, the Warner Defendants' Motion to Compel Arbitration, Dismiss Class Claims and Stay Action should be granted, in its entirety.

6. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 15, 2022

By: /s/ Kathryn T. Lundy
Kathryn T. Lundy